

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

ADIAHA STRANGE, et al
AISHA PHILLIPS, et al
ADRIAN NICHOLSON, et al
AMELIA GREEN, et al
ASIA ARCHIE, et al
ALEXIS CANNON, et al

1:19-CV-321
1:19-CV-325
1:19-CV-519
1:19-CV-670
1:19-CV-575
1:19-CV-823

Plaintiffs,
v.

SELECT MANAGEMENT
RESOURCES, LLC, et al
Defendants.

**MEMORANDUM IN SUPPORT OF
THE MOTION TO CONFIRM THE
ORDER OF DISMISSAL AND
AWARD OF ATTORNEY FEES AND
COSTS OF ARBITRATION**

**KIPLING FINANCIAL SERVICES, LLC MONEYMAX'S MOTION TO
CONFIRM THE ORDER OF DISMISSAL AND AWARD OF ATTORNEY FEES
AND COSTS OF ARBITRATION**

Defendant Kipling Financial Services, LLC MoneyMax (hereinafter “MoneyMax”) submits this Memorandum in support of its Motion to Confirm the Order of Dismissal and Award of Attorney Fees and Costs of Arbitration (hereinafter “Motion”) in the arbitration between Plaintiff Courtney Deandrea Nelson (hereinafter “Plaintiff”) and MoneyMax.

PROCEDURAL HISTORY

On October 17, 2019, this Court ordered the parties to arbitration pursuant to 9 U.S.C. § 4 and in accordance with the Loan Agreement executed between Plaintiff and LoanMax. (Doc. 62). An evidentiary hearing was scheduled for April 27, 2021 before arbitrator Robert S. Culpepper (“Arbitrator”). Thereafter, Plaintiff failed to make contact

with her attorney and failed to make contact with the American Arbitration Association (AAA). Plaintiff's counsel was permitted to withdraw on April 15, 2021. AAA sent proper notice of the order permitting withdrawal of counsel and reminded Plaintiff that her evidentiary hearing was scheduled for April 27, 2021. Plaintiff did not appear for her hearing or make any contact with AAA. Therefore, the Arbitrator dismissed with prejudice all of Plaintiff's claims and awarded MoneyMax attorney fees incurred in the amount of \$2,792 to be paid within 30 days of the entry of the Arbitrator's Order (Award). MoneyMax respectfully seeks an order confirming the Award and entering judgment on behalf of MoneyMax dismissing all of Plaintiff's substantive claims with prejudice, awarding MoneyMax attorney fees in the amount of \$2,792 to be paid within 30 days of the Court's confirmation of this Award, and awarding MoneyMax the costs of arbitration, specifically the administrative filing fees totaling \$1,900 and the compensation of the arbitrator totaling \$1,250.

ARGUMENT

The Federal Arbitration Act states that "at any time within one year after the award is made any party to the arbitration may apply to the court so specified for an order confirming the award, and thereupon the court must grant such an order[.]" 9 U.S.C. § 9; *see also Taylor v. Nelson*, 788 F.2d 220, 225 (4th Cir. 1986) ("A confirmation proceeding under 9 U.S.C. § 9 is intended to be summary: confirmation can only be denied if an award has been corrected, vacated, or modified in accordance with the Federal Arbitration Act.")

The parties arbitrated their dispute pursuant to the Court's Order, the Arbitrator issued an Award, and the Award has not been corrected, vacated, or modified. Additionally, there is no basis for the Award to be correct, vacated, or modified. Therefore, MoneyMax's Motion to Confirm the Order of Dismissal and Award of Attorney Fees and Costs of Arbitration should be granted.

CONCLUSION

For the foregoing reasons, Kipling Financial Services, LLC MoneyMax respectfully requests that the Court enter an order confirming the Award and entering judgment on behalf of Kipling Financial Services, LLC MoneyMax dismissing all of Plaintiff's substantive claims with prejudice, awarding MoneyMax attorney fees in the amount of \$2,792 to be paid within 30 days of the Court's confirmation of this Award, and awarding MoneyMax the costs of arbitration, specifically the administrative filing fees totaling \$1,900 and the compensation of the arbitrator totaling \$1,250. .

This the 8th day of October, 2021.

/s/ Melanie Black Dubis
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Attorney for Defendants

CERTIFICATE OF COMPLIANCE WITH LR 7.3

The undersigned certifies that this brief complies with the word count limitations set forth in LR 7.3(d)(1).

/s/ Melanie Black Dubis _____
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Attorney for Defendants

CERTIFICATE OF SERVICE

The undersigned counsel of record for Defendants certifies that the foregoing was filed with the Court and served on the parties via filing with the Court's CM/ECF system which will send notice of the filing to all counsel of record and Defendant will send the foregoing via regular mail as follows:

Courtney Nelson
716 Hybernia Road
Fleming Island, FL 32003

Respectfully submitted, this the 8th day of October, 2021.

/s/ Melanie Black Dubis
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